

Remarks

Claims 3, 9-11, 27-29, 36-39, 44-59, 63, 68-71, 75-77, 80-83, and 88-95 are currently pending in the application. By this amendment, all pending claims have been canceled and new claims 96-206 are submitted, which include independent claims 96, 118, 152, and 174. While the independent claims are new, most, but not all, of the dependent claims are based on concepts found in the canceled dependent claims. In some instances, the new dependent claims do not follow the same outline structure as the canceled dependent claims.

To aid the Examiner in prosecution of the application, the follow table is provided that identifies the new claims and the counterpart canceled. It should be noted that the table is not meant to signify that the claims have the same scope, as they may not because of differences in the base claim, dependency, or terms, but only that the concept in the corresponding claim is similar. Not all of the new claims will be listed as some are not based on prior concepts.

New Claims	Canceled Claims
97-105	3-11
108-112	40-44
113	51
114-116	76-78
117	82
119-126	22-29
128-135	30-37
136-141	39-44
142	48
143	51
144-147	8-11
148-150	76-78
151	82
153-161	3-11

164-168	40-44
169	51
170-172	76-78
173	82
175-182	22-29
184-191	30-37
192-197	39-44
198	51
199-202	8-11
203-205	76-78
206	82

Response to Board's Obviousness Rejections:

The Board rejected the claims on appeal based on combinations of Mueller, Aichert, De Mars, and Lane, in addition to affirming the Examiner's rejection based on combinations of Freek, Waterbury, Mueller, Aichert, De Mars and Lane. These rejections are no longer relevant in light of the new independent claims.

Claims 96 and 118 call for a cap having an upper surface located above the mounting ring, which defines an extended volume for the lid. A drink element is also claimed that extends above the upper surface. The drink opening is located in the drink element and necessarily lies above the upper surface. The closure tab is coupled to the cap and selectively closes the drink opening in the drink element.

None of Mueller, Aichert, De Mars, Lane, Freek, and Waterbury discloses a lid, alone or in combination, that has the claimed elements of a cap, drink element, and closure tab. Therefore, claims 96 and 118, and their dependent claims, define over the prior art references.

Independent claims 152 and 174 that call for a dome-shaped cap terminating in an upper surface in combination with a side wall at least partially encircling the upper surface, and a terminating in a top wall located above the upper surface with a drink opening located in the top

wall. The closure tab is coupled to the cap and selectively closes the drink opening in the drink element.

None of Mueller, Aichert, De Mars, Lane, Freek, and Waterbury discloses a lid, alone or in combination, that has the claimed elements of a cap, side wall, and closure tab. Therefore, claims 152 and 174, and their dependent claims, define over the prior art references.

It is respectfully submitted that the new independent claims and the corresponding dependent claims define over and are non-obvious over the prior art of record.

Respectfully submitted,

ROBERT C. DART, ET AL.

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By: /Mark A. Davis/
Mark A. Davis, Reg. No. 37,118
MCGARRY BAIR PC
32 Market Avenue, S.W., Suite 500
Grand Rapids, Michigan 49503
616-742-3500

G0327979